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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,933	12/11/2003	Mihai Rasidescu	1058142	6667

28735 7590 02/12/2007  
OSLER, HOSKIN & HARCOURT LLP (BRP)  
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MONTREAL, H3B4W5  
CANADA

EXAMINER
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WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,933	RASIDESCU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John D. Walters	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1 – 4 and 8 – 17 have been examined. Claims 5 – 7 have been canceled by Applicant.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 10 – 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laimböck (6,467,562) in view of Pestotnik (6,182,784) and Laimböck (6,547,023). Laimböck ('562) discloses a drive unit for a motorcycle comprising:

- a v-type engine (Fig. 2);
- said v-type engine comprising two cylinders being relative to one another at an angle between about 82 and 90 degrees (column 2, line 67);
- a transmission (Fig.2, item 9).

The transmission of Laimböck ('562) is directly connected to said engine via gearing. It is not separated and connected via an endless drive. Pestotnik, however, discloses an all terrain vehicle drive train comprising:

- a separate transmission (Fig. 2, item 68);
- an endless connector, i.e. belt, connecting said engine and said transmission (Fig. 2, item 44).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the endless connector of Pestotnik in the drive unit of Laimböck ('562) in order to provide flexibility in the placement of drive train components within said unit.

Laimböck ('562) in view of Pestotnik does not disclose the practice of making use of an engine in multiple vehicle types. Laimböck ('023), however, discloses a single-track motor vehicle comprising:

- an engine (item 3);
- said engine being used in a motorcycle (Fig. 3);
- said engine being used in a snowmobile (Fig. 6).

In regards to claim 10, as Laimböck ('023) teaches the desirability of standardization of components specifically between a motorcycle and a snowmobile, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to extend that standardization to any vehicle where said component could be properly used. It would, therefore, be within the knowledge of one of ordinary skill in the art to include small personal watercraft in said standardization with small personal land vehicles.

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to use a common component, i.e. engine, on multiple vehicle platforms as taught by Laimböck ('023) with the drive unit of Laimböck ('562) in view of Pestotnik in order to reduce cost of and complexity of manufacturing by standardizing components among product lines.

Claims 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laimböck (6,467,562) in view of Pestotnik (6,182,784) and Laimböck (6,547,023) as applied to claims 1 – 4, 10 – 13, 16 and 17 above, and further in view of Ducati Museum web page. Laimböck ('562) in view of Pestotnik and Laimböck ('023) does not specify the engine displacement. The Ducati Museum web page, however discloses:

- development of a 750cc, 90 degree v-type engine in the early 1970s.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of a 90 degree, v-type engine of 650cc or greater within the drive unit of Laimböck ('562) in view of Pestotnik and Laimböck ('023) in order to provide required power for high performance applications.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 4 and 5 – 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Tikka (6,216,447) discloses a two-cycle carburetor gasoline engine for snowmobiles, lawn mowers, motorcycles or outboard motors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

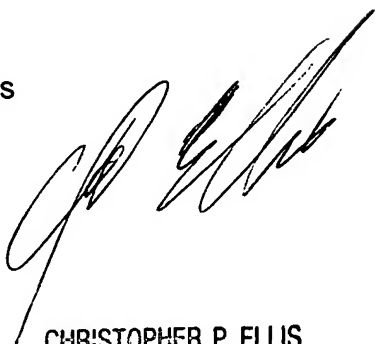
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDW



John D. Walters  
Examiner  
Art Unit 3618



CHRISTOPHER P. ELLIS  
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